

The Indian Act

1) What is the Indian Act?

The Indian Act is a legal document and a set of laws that was first passed by the Canadian Government in 1876 and is still enforced today. This set of laws gave the government complete control over the lives of First Nations peoples.

2) Why was the Indian Act created?

Historically, control over First Nations had been a British responsibility, which was then passed to Canada. Once the fur trade ended, First Nations peoples had no role to play, and they became a barrier to government plans for the settlement of western Canada. The Government called it the Indian problem.

The government responded to this “problem” by creating the Indian Act which had to objectives:

1. Control over First Nations peoples. First Nations peoples couldn't leave reserves, own land, or do business without permission.
2. Assimilation. Eventually First Nations peoples were to enfranchise and receive all the benefits of any other Canadian).

3) What did the Indian Act do?

- placed complete control over First Nations politics, culture, education, and personal lives in the hands of the federal government
- established rules that dictated who was Indian and who was not (status/non-status)
- located all financial control of First Nations peoples with the federal government
- did not allow First Nations people to own land
- forced a new form of education on First Nations peoples
- did not allow First Nations people to vote in a federal election until 1960 (were allowed to vote prior to 1960 if they gave up their status).

4) What are positive aspects of the Indian Act?

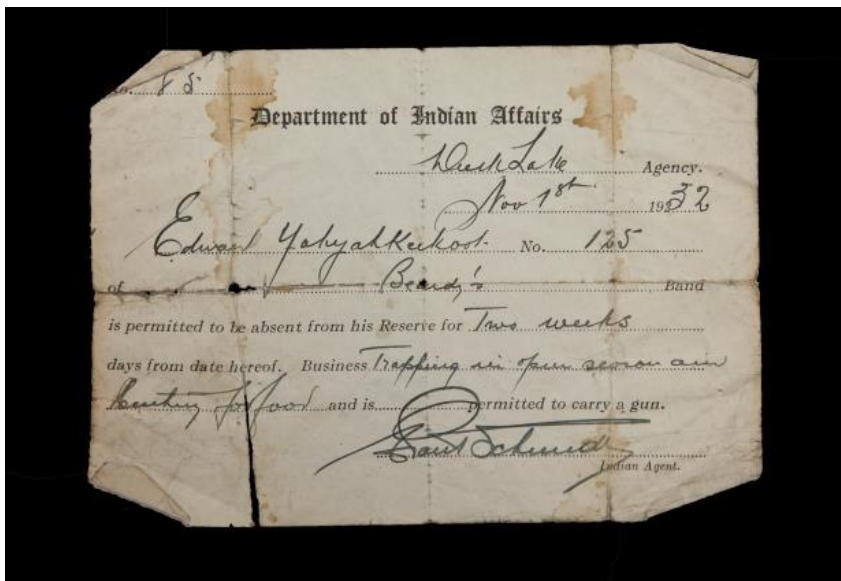
The Indian Act is the only government document to recognize First Nations peoples. Without it, First Nations peoples would not have any special status. It allows for certain rights including health services, education, subsidized housing and exemption from certain taxes but all in exchange for land and other rights. Some amendments have been made to the Indian Act including lifting of the ban on ceremonies and fundraising, permission to vote, Bill C-31(1985) to re-establish some First Nations peoples' status.

5) 21 Interesting facts about the Indian Act:

Here are 21 restrictions imposed at some point by the Indian Act in its 140 years of existence.

The Indian Act:

1. Denied [women status](#)
2. Introduced [residential schools](#)
3. Created [reserves](#)
4. [Renamed](#) individuals with European names
5. [Restricted First Nations from leaving reserve without permission](#) from Indian agent



A two week pass for Edward Yahyahkeekoot from the Saskatchewan Archives Board. This is one of the few remaining passes found in a Canadian archive, and is proof of the pass system, implemented in 1885. The policy controlled the movement of First Nation people off reserves. (Tamarack Productions)

6. Enforced enfranchisement of any First Nation admitted to university
7. Could expropriate portions of reserves for roads, railways and other public works, as well as move an entire reserve away from a municipality if it was deemed expedient
8. Could lease out uncultivated reserve lands to non-First Nations if the new leaseholder would use it for farming or pasture
9. Forbade First Nations from forming political organizations

10. Prohibited anyone, First Nation or non-First Nation, from soliciting funds for First Nation legal claims without special license from the Superintendent General. (this 1927 amendment granted the government control over the ability of First Nations to pursue land claims)
11. Prohibited the sale of alcohol to First Nations
12. Prohibited sale of ammunition to First Nations
13. Prohibited pool hall owners from allowing First Nations entrance
14. Imposed the "[band council](#)" system
15. Forbade First Nations from speaking their native language
16. Forbade First Nations from practicing their traditional religion
17. Forbade western First Nations from appearing in any public dance, show, exhibition, stampede or pageant wearing traditional regalia
18. Declared [potlatch](#) and other cultural ceremonies illegal
19. Denied First Nations the [right to vote](#)
20. Created [permit system](#) to control First Nations ability to sell products from farms
21. Created under the British rule for the purpose of subjugating one race — Aboriginal Peoples

Major amendments were made to the Act in 1951 and 1985. In the 1951 amendments, the banning of dances and ceremonies, and the pursuit of claims against the government were removed. In the 1985, Bill C-31 was introduced. For more on this Bill, please see ["Indian Act and Women's Status - Discrimination via Bill C31 and Bill C3"](#)